1926.

Department of Land Revenue

OFFICE Board of Revenue LR Hts

STATION Madras

B.P **No.** 1932 Mis

M

Dated 30-6-30

		Date	Initial.
To whom sent	**Given for copying**	A (8)30/30	
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DES... RECORDS

(SUBJECT.)

Revenue Recovery (Bellary) - Non-payment by Venkatapuram Village - Sec 13-A - Sale. Failure to follow provisions of Rule 36(4) of Act II of 1864 - Cancellation - Reform

* Not to be filled in in the case of permanent records.

amount. There was no competition at the land sale, and the purchaser was the only bidder. The Revenue Inspector estimated the value of the land at Rs.100/- The price of Rs.22/- fetched at the sale for a wet land measuring 0.73 cents is obviously too low. Copies of Section 5 & 7 notices were not published in a public place or chavadi and they were not served on the pattadar. These serious irregularites were overlooked and the sale was confirmed by the Sub Collector, Hospet.

4. The defaulter is a Muhammadan Gosna woman, who offered to pay the arrears together with 5% purchase money before the sale was confirmed. The Sub Collector should have accepted her offer as the purchaser failed to remit the bid amount before the expiry of 30 days. The sale should not have been confirmed without considering the objection petition of the pattadar. The price fetched for the land is absurdly low. The pattadar is a helpless widow and the confirmation of the sale without observing the rules has resulted in undue hardship to her. I therefore recommend that the confirmation of the sale be cancelled. The connected sale records are enclosed.

P.S. 9/6.

For Collector.

10-6-50

In reply, please quote number, date and short title.

Revenue DEPARTMENT. # 1870

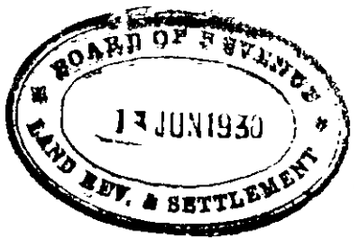
Received ..... *Registered* .....

From (Name) E.Bennett Esq., I.C.S.,

(Designation) Collector

Post Box ....., (Station) Bellary

Telegraphic Address .....



To The Secretary to the Commissioners,

Land Revenue & Settlement,

M a d r a s.

Ref.C. *No*5068/30, *dated* 7-6-1930 192

Sir,

ENCLOSURES .....

14 pages

.....

SPARE COPIES .....

Revenue recovery - Hospet taluk - Venkatapuram village - S.No. 131 A - Sale - Cancellation requested.

S.No. 131 A of Venkatapuram village measuring 73 cents and assessed at Rs.6/- is a wet land standing in the name of S. Ghouse Bee. For land revenue arrears of fasli 1338 the land was brought to sale on 19-8-1929 and sold for Rs.22/- The sale was confirmed by the Sub Collector, Hospet on 15-12-1929.

2. On 26-11-1929 i.e., nearly three months after the sale the pattadar put in a petition to the Sub Collector, Hospet requesting him to cancel the sale as the land was worth Rs.200/- and that she was willing to pay the arrears together with 5% of the purchase money. The petition was forwarded to the Tahsildar of Hospet for report. Before a report was received from the Tahsildar, the Sub Collector confirmed the sale.

3. The Tahsildar of Hospet reports that as the period of 30 days from the date of sale had expired when the pattadar offered to pay the arrears together with 5% of purchase money, he refused to receive it. The purchaser at the revenue sale did not pay the balance of purchase money within 30 days of the sale. It was only after a notice was issued to him that he paid the

amount

Subject.—

R. F. XXII-A-19—89,500 22-4-30 (6)

FOR MEMBER

Revenue Recovery (Bellary) - Usoopet Taluk - Ucchapuram Village - Sy. No. 13L - Failure to follow provisions of section 36-(4) of Act II of 1864 Sale - Cancellation - Refused

READ AGAIN B. P. No. _____, dated _____ 193 .

" " " _____, " _____ 193 .

READ ALSO :—

Register No. _____, From the Mr. Ezekiel A 1870/30 Q, No. _____, dated _____ 193

" " _____, " " _____, " _____, " _____ 193

" " _____, " " _____, " _____, " _____ 193

RESOLUTION. (Mis) No. 1932, dated 30-6 1930

The Board considers that this is not a fit case for the cancellation of the sale.

The Board observes that the Sub-Collector, Usoopet failed to follow the provisions of Section 36(4) of Act II of 1864 when the purchaser did not tender the payment of the remaining purchase money within 30 days of the sale and it confirmed the sale though the registered holder offered to pay the arrears and

Para 2 Subject to approval

5 % of the purchase money before the Date of confirmation.

~~The Harbour Board considers~~

That the Sub. Coll would have done well if he had ~~have~~ been more considerate towards the registered holder than towards the purchaser, as ~~both of them were at default.~~

27/6/30

12-6-30

To the Collector of Bellary with records returned.

Qm1
S
MS(LR)

pp. 1-2 cf

Revenue Recovery (Bellary) - Hospet Taluk - Venkatapuram Vfc - S.N. 131-A - Sale - Cancellation

A 1870/30

To MS (LR)

S.No. 131-A (wet) measuring 73 cents of Venkatapuram Vfc, Hospet Tk was sold for arrears of revenue on 19.8.29 and the sale was confirmed by the Sub. Collector on 15.12.29. Now at the instance of the registered holder the Colly Mamlatdar to have the sale cancelled on account of certain irregularities

Though it has been held by the Civil Courts that neither the Colly nor the Board has any power to cancel the sale once confirmed by the Revenue officer, the Board has decided to accede to its P.G. 41-12.

please see the notes and orders on pp. of 3706 Misc of 3-11-28 - (A)
Vide also para. 2 of pp. 4151 Misc 12/28 P. 143 Vol I
(J)

2. The following are the irregularities pointed out by the Collector.

(i) Copies of 5 and 7 notices were not published in a public place at Chavadi and not served on the registered holders. The V. Mahazar endts on the originals of 5 and 7 notices show that the

Items 11(K) & 10 at P. 11(K)

pp. 6 & 8 (K)

duly affixed copies of them to the land in question and proclaimed the notices by tom-tom in the village, but protests ~~none of the villagers~~ has attested to this effect. These enquiries did not weigh much with the Sub-collector P. 17(K)

From the Revenue Inspector's report it may be presumed that the registered holder is a non-resident and hence the notices could not be served on her. Presumably she has not registered her address etc. as required by note to Bs. O 41-10. P 14 Book

ii The price of Rs 22/- fetched for the land is already low. The Rev. Inspector estimates it at Rs 100/- as against Rs 200 according to the registered ~~x.x.x~~ estimate. The main reason for this low bid as ~~alluded~~ explained by the Rev. Inspector is that the land in question is far away from the main village and facilities for its irrigation are limited P. 12(K) item 14 at P. 12(K)

iii The purchaser paid the balance of purchase money on 6.12.29 i.e 3½ months after the date of sale (19.8.29) and that too after the issue of notice under section 36 of Act II of 1864 requires that the sale should be cancelled, if the purchaser omits to deposit the P. 16(R) 352 of Madras code Vol I.

balance within 30 days and the land resold at the expense of such purchaser. It may be pointed out here that on 26-11-29 i.e. 3 months after the sale the registered holder requested the Sub-Collector to set aside the sale, as she was then prepared to pay the arrears together with 5% of the purchase money. He could have accepted the payment and cancelled the sale, as the balance of the purchase money was not deposited by the purchaser till 6-12-29. He did not even await the Tahsildar's report on the above petition called for by him before confirming the sale. The deposit of the purchase money and the confirmation were rushed through after the registered holder put in her petition.

3. The defaulter is a helpless Muhammadan widow and the Collector considers that the confirmation of the sale without observing the rules has resulted in undue hardship to her. It is for orders whether in view of the facts the Collector may be authorised to cancel the sale.

In the sale of the holding there were no infringements of legal provisions. The provisions of Sections 27, 36 (2) and 44 of Madras Act II of 1864 were complied with. 0.73 acres of wet land was sold for an arrear of Rs 6-9-0. The land was waste for 3 or 4 years. It is distant from the village and has no good irrigation facilities. The Asst. Collector thinks that the price realized Rs 22. is reasonable. The Sub Collector however failed to follow the provisions of S 36(4). ~~overlooked~~ when the purchaser did not pay the remainder of the purchase money within 30 days of the sale.

The sale has however become complete on confirmation by the Sub Collector. The Collector has come up to the Board under Rs S-0 4/(1-) for the cancellation of the sale as more than 3 months' time has expired after the date of ~~the~~ confirmation of the sale. His ground for cancellation is that the defaulter is a poor helpless widow. This alone is not a sufficient ground for cancellation and if it is cancelled land may be involved in litigation.

p 12 of (K)

I agree that this is not a fit case for cancellation of the sale. I think, however, that the Comments on the action of the S.C. in confirming the sale, when the registered holder had ceased to pay the arrears & 5% the purchase money,

[illegible] 6.30

5

AS (LR)
(S)

To AS (LR)

Draft submitted
28-6-20

28/6/20